

In The Matter Of:
Kevin Khottavongsa vs.
City of Brooklyn Center, et al.

Randall Jackson
March 14, 2017



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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3 -----</p> <p>4 Kevin Khottavongsa, as) Trustee for the Heirs and) Next of Kin of) 5 Sinthanouxay Khottavongsa,) 6 Plaintiff(s),) 7 vs.) File No. 16-cv-1031 RHK/BRT 8 City of Brooklyn Center,) Police Officers Alan) 9 Salvosa, Cody Turner, and) Gregg Nordby, acting in) 10 their individual) capacities,) 11 Defendant(s).) 12 -----</p> <p>13</p> <p>14</p> <p>15</p> <p>16 DEPOSITION</p> <p>17 The following is the videotaped deposition of</p> <p>18 RANDALL JACKSON, taken before Julie A. Brooks, Notary</p> <p>19 Public, Registered Professional Reporter, pursuant to</p> <p>20 Notice of Taking Deposition, at MCF Stillwater, 970</p> <p>21 Pickett Street, Bayport, Minnesota, commencing at 9:25</p> <p>22 a.m., Tuesday, March 14, 2017.</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 DEPOSITION REFERENCE INDEX</p> <p>2 INDEX</p> <p>3 WITNESS: RANDALL JACKSON</p> <p>4</p> <p>5 EXAMINATION:</p> <p>6 By Mr. Hiveley 5</p> <p>7 By Mr. Rissman 28</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 EXHIBIT REFERENCE INDEX</p> <p>13 (None marked.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 On Behalf of Plaintiff(s):</p> <p>4 Joshua Rissman, Esquire</p> <p>5 GUSTAFSON GLUEK</p> <p>6 120 South Sixth Street, Suite 2600</p> <p>7 Minneapolis, Minnesota 55402</p> <p>8 (612) 333-8844</p> <p>9 jrissman@gustafsongluek.com</p> <p>10</p> <p>11 On Behalf of Defendant(s):</p> <p>12 Jason M. Hiveley, Esquire</p> <p>13 IVERSON REUVERS CONDON</p> <p>14 9321 Ensign Avenue South</p> <p>15 Minneapolis, Minnesota 55402</p> <p>16 (952) 548-7200</p> <p>17 jasonh@irc-law.com</p> <p>18</p> <p>19 Also present:</p> <p>20 Scott Breckheimer, videographer</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 PROCEEDINGS</p> <p>2 Whereupon, the deposition of RANDALL JACKSON</p> <p>3 was commenced at 9:25 a.m. as follows:</p> <p>4 ***</p> <p>5</p> <p>6 THE VIDEOGRAPHER: This is the</p> <p>7 videographer speaking, Scott Breckheimer, here on</p> <p>8 behalf of Depo International, Incorporated.</p> <p>9 Today is Tuesday, March 14th, the year</p> <p>10 2017. The time is 8:25 a.m. (sic). We are at 970</p> <p>11 Pickett Avenue North, Bayport, Minnesota, to take the</p> <p>12 video deposition of Randall V. Jackson, in the matter</p> <p>13 of Kevin Khottavongsa -- I probably didn't say that</p> <p>14 right -- versus the City of Brooklyn Center.</p> <p>15 Will counsel please introduce themselves</p> <p>16 for the video record.</p> <p>17 MR. RISSMAN: Josh Rissman for the</p> <p>18 plaintiff.</p> <p>19 MR. HIVELEY: Jason Hiveley for all the</p> <p>20 defendants.</p> <p>21 THE VIDEOGRAPHER: Will the court</p> <p>22 reporter please administer the oath.</p> <p>23</p> <p>24 RANDALL JACKSON,</p> <p>25 after having first been sworn to tell the truth,</p>

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<p>1 testifies as follows:</p> <p>2</p> <p>3 EXAMINATION</p> <p>4 BY MR. HIVELEY:</p> <p>5 Q. Could you please state your first and</p> <p>6 last name for the record, and spell both.</p> <p>7 A. My name is Randall Jackson, R-a-n-d-a</p> <p>8 double l. Last name is Jackson, again, J-a-c-k-s-o-n.</p> <p>9 And [REDACTED] is my birthday.</p> <p>10 Q. Mr. Jackson, my name is Jason Hiveley.</p> <p>11 I'm an attorney representing the City of Brooklyn</p> <p>12 Center, as well as the Brooklyn Center police officers</p> <p>13 who are being sued in a lawsuit being brought by the</p> <p>14 family of Sin Khottavongsa. The trustee is Kevin</p> <p>15 Khottavongsa, who is Sin's son.</p> <p>16 Josh Rissman is the attorney for the</p> <p>17 Plaintiffs. As we discussed before your deposition,</p> <p>18 we're going to be asking you some questions regarding</p> <p>19 an incident that occurred involving Mr. Khottavongsa</p> <p>20 back in January of 2015.</p> <p>21 I do want to just get a couple</p> <p>22 preliminary things out of the way. We're currently at</p> <p>23 the Department of Corrections facility in Stillwater;</p> <p>24 is that correct?</p> <p>25 A. Correct.</p>	<p>1 After we left Subway, we stopped at the</p> <p>2 liquor store. Then on the way from the liquor store,</p> <p>3 my girlfriend Erika, at the time, had a female problem.</p> <p>4 She started her period. I gave her a washcloth that</p> <p>5 was out of my bag. Because we were staying at the</p> <p>6 hotel in Brooklyn Center, the Super 8. And we needed</p> <p>7 to go to the transit center to transfer to the bus that</p> <p>8 would get us to Super 8.</p> <p>9 So she was saying, I'm going to go in</p> <p>10 the bathroom at the laundromat.</p> <p>11 And I gave her some quarters and told</p> <p>12 her, well, after she goes in the bathroom to wash up,</p> <p>13 to throw her stuff in the washing machine. Me and my</p> <p>14 buddy would just be outside smoking some weed until she</p> <p>15 minded her business.</p> <p>16 I don't know what the conversation was</p> <p>17 between my ex-girlfriend, at the time, and the lady</p> <p>18 that owns the laundromat. But they had some words. I</p> <p>19 looked through the window. My girlfriend, Erika,</p> <p>20 looked a little bit disturbed in the face.</p> <p>21 So I came in, and I asked her what's</p> <p>22 wrong.</p> <p>23 And she said that she couldn't use the</p> <p>24 restroom.</p> <p>25 And I said, "Ain't that a bitch. You</p>
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<p>1 Q. And it is my understanding that your --</p> <p>2 the charge or the conviction that you are here serving</p> <p>3 time for is a domestic assault.</p> <p>4 A. Correct.</p> <p>5 Q. Okay. And is that a felony-level</p> <p>6 domestic assault?</p> <p>7 A. Yeah. But I'm trying to see how that's</p> <p>8 relevant.</p> <p>9 Q. I just want to clear up you being here.</p> <p>10 And the last thing is, your release date, is that July</p> <p>11 18th, 2017?</p> <p>12 A. I plead the Fifth on all that as</p> <p>13 irrelevant material.</p> <p>14 Q. That's fine. So January 16, 2015, it is</p> <p>15 my understanding that you and, at this time, it was</p> <p>16 your girlfriend and then another friend of yours were</p> <p>17 getting off of a Number 5 transit bus at the transit</p> <p>18 center in Brooklyn Center. Does that sound familiar?</p> <p>19 A. Yeah. But that's not what happened.</p> <p>20 Q. So go ahead and tell me what happened,</p> <p>21 starting from the beginning.</p> <p>22 A. Well, we did get off the Number 5 bus,</p> <p>23 but it was not at the transit center. It was before</p> <p>24 the transit center by Leeann Chin's. And we went to</p> <p>25 Subway and got something to eat.</p>	<p>1 don't have to use this restroom. There's plenty of</p> <p>2 other fucking restrooms." That's what I said. I was a</p> <p>3 little irritated that she couldn't use the restroom.</p> <p>4 Apparently, that must have been taken for some</p> <p>5 different words.</p> <p>6 And we went outside. After that, a</p> <p>7 group of gentlemen ran outside. One of the gentlemen</p> <p>8 grabbed me by the throat. I grabbed him back by the</p> <p>9 throat. And we were in a stand-up match.</p> <p>10 And I was trying to explain to him,</p> <p>11 like, I didn't do shit to your woman -- you know what</p> <p>12 I'm saying -- or say nothing.</p> <p>13 And they were talking amongst each other</p> <p>14 in another language. And it was a language barrier, so</p> <p>15 I didn't know what was going on. All I know is that I</p> <p>16 was surrounded, and it was an altercation going on.</p> <p>17 But the whole time, I was trying to</p> <p>18 explain that my intentions were not to disrespect</p> <p>19 anyone at the laundromat. You know what I'm saying? I</p> <p>20 just wanted to be gone from there.</p> <p>21 And things started happening. They</p> <p>22 started swinging poles and whatever.</p> <p>23 And I wish that it never would have</p> <p>24 happened, because I know those people from the</p> <p>25 laundromat. And they own that car shop, too. They</p>

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<p>1 help my family. And I just wish nothing wouldn't have 2 happened to them. I don't know. 3 See, I didn't even know about the 4 incident of the gentleman getting killed until my 5 mother told me. She seen it on the news. 6 At the time, I was maced. I had got 7 maced by the wife of the laundromat while I was in the 8 altercation with her husband and her kids, I believe, 9 or whoever the other gentlemen were that was on the 10 scene. 11 I received several injuries over the 12 eye, the leg. It was pretty bad. But, like, even 13 though I received those injuries, I didn't want nothing 14 bad to happen to nobody. 15 And so I, actually, didn't even see the 16 whole incident of what happened after that, because I 17 was placed into the police car. I was a little bit 18 irritated because I was the only one that was being 19 arrested and it was, like, seven or eight people 20 fighting. It kind of threw me off. 21 Q. You said that -- I just want to go back 22 just a bit. You said that you were put into the squad 23 car so you didn't see anything. What is it that you 24 think you missed while being in the squad car? What 25 details did you learn later that you realize you didn't</p>	<p>1 And then I called my mom the next day, 2 and I told her what happened. And then, I think it was 3 the day after that, she told me she seen something on 4 the news about it. And that's when I found out about 5 it. I was really, really sad, though, honestly. My 6 son had passed away. I don't like when people get hurt 7 or die or anything like that. So I felt real bad about 8 whatever happened to him. 9 I even felt bad for the police officer 10 that -- you know what I'm saying? -- allegedly did 11 whatever. Like, I just didn't want all these people to 12 feel the ripple effect of pain like -- 13 Q. There's a -- 14 A. Just bums me out. 15 Q. There's a period of time where the 16 police arrived and one of the officers used a taser 17 against Sin Khottavongsa. Did you see anything like 18 that happen? 19 A. No, I didn't -- 20 Q. Okay. 21 A. -- whatsoever. 22 Q. So up until the moment when the police 23 arrived, can you tell me what -- you were talking about 24 seven or eight people fighting and you had been maced 25 and struck with -- you said they were swinging poles</p>
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<p>1 see because you were in the squad car? 2 MR. RISSMAN: Objection. Calls for 3 speculation. 4 BY MR. HIVELEY: 5 Q. You can go ahead and answer. 6 A. Well, I don't think -- I don't know 7 what -- what I missed. But what I do know is my eye 8 was bleeding, and I got maced. And it was burning. 9 And I asked the police officer to get the mace or the 10 blood out of my eye, and the mace. And he put me in 11 the backseat, and he opened the door. And he, 12 actually, helped me get the blood out of my eye. 13 But, you know, from mace, you still are 14 really blurry. Every time I'm trying to look, I'm 15 trying to focus and find out where Erika was. There 16 was a lot of commotion going on, a lot of lights. Lot 17 of people came around started looking. It was -- it 18 was just a lot of commotion, and it happened really, 19 really quick. 20 Then I got to the police station. They 21 took some pictures. And they said, "It's okay. We 22 understand. We know how it is to get jumped." They 23 said, "Your girlfriend is waiting for you outside the 24 door." And they drove us to the hotel. So I got to 25 the hotel.</p>	<p>1 and things. Can you just describe the fight itself and 2 who was involved in it, that you are aware of? 3 A. Well, one thing I know for sure is that 4 a short gentleman, I believe it was her husband, came 5 and grabbed me outside. I was outside of the 6 laundromat. I got my girlfriend, and we were outside 7 of the laundromat, because my friend never came in. So 8 we was leaving at that time. Because, like I said, our 9 plan was not for her to get on the city bus after she 10 had her period and not taking care of herself. You 11 know what I'm saying? 12 Q. Your mike -- 13 A. She wasn't going to get on the bus like 14 that. I don't blame her. I didn't want her to get on 15 the bus like that, either. So our next mission was to 16 get to another restroom. 17 Is that right? 18 Q. That will work. 19 A. Try to get to another restaurant or 20 restroom so she can clean up. But it just happened so 21 quick. And he came and grabbed me. There are cameras 22 right there, too, so I'm sure that's all on camera. 23 Q. We do have squad video of things that 24 happened once the officers arrived. But we're being 25 told, by the laundromat, that even though they had</p>

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1 cameras, they weren't able to record things.
2 Unfortunately, we don't have video of the fight, of
3 what was happening.
4 **A. Wow. Not even on the inside?**
5 **Q.** That's what they are telling us.
6 **A. Wow.**
7 **Q.** So you said that you were outside. That
8 was with your friend and Erika, your ex-girlfriend?
9 **A. Yeah. But I don't even really know the**
10 **dude too much. I just seen him before. I don't really**
11 **even know him like that, you know.**
12 **The whole thing was, at the time, we**
13 **were homeless, and we were staying at a hotel. So, you**
14 **know, honestly, he had some weed, and I had some weed.**
15 **And we were just going to smoke each other up, go to**
16 **the liquor store and the park. That was our mission**
17 **for me to even be with him, period.**
18 **The -- the period thing was unexpected**
19 **for me. I didn't know. I was just trying to, you**
20 **know, take care of her, because she was really**
21 **embarrassed about that whole situation. So we were**
22 **just trying to make sure that she get straight.**
23 **I don't know what the words were between**
24 **her and the laundry room lady whatsoever. The guy I**
25 **was with, like, "Man, something going on with your girl**

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1 **in there."**
2 **I come in. "What's up?"**
3 **She, like, "She won't let me use the**
4 **restroom."**
5 **"Ain't that a bitch. Ain't no big deal.**
6 **Come on." I was tripping, like, you can't be arguing**
7 **with the laundry room lady. Basically, like, she don't**
8 **have to let you use the damn bathroom. So let's just**
9 **go somewhere else. There's a whole bunch -- in the**
10 **Brooklyn Center area, there's like a thousand bathrooms**
11 **around there. I just felt like it was a dumb ass**
12 **argument -- excuse my language -- because, for one,**
13 **there's a whole bunch of bathrooms. And, for two, I**
14 **had weed on me, and I didn't need no heat, you know.**
15 **I'm just saying, seriously, I'm not going to be doing**
16 **nothing. That's how it went.**
17 **Q.** Do you know the name of the other guy
18 that was with you?
19 **A. No. I don't even -- I only seen him a**
20 **couple times.**
21 **Q.** Okay.
22 **A.** That's the only thing, I only seen him a
23 couple times. And when I seen him on the bus, he,
24 like, "Hey, what's up, Big Homey?"
25 **I'm like, "What's up, man."**

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1 **He, like, "Where's your car at?"**
2 **I started explaining to him, man, I**
3 **don't have my car right now, staying in a hotel, things**
4 **are bad.**
5 **That's how we came up on the subject of,**
6 **"Want to smoke some weed?"**
7 **"Sure. I got some, too," you know.**
8 **Q.** When I was asking questions yesterday of
9 some of the other witnesses, they referred to your
10 group as there was a woman and then there was a big guy
11 and then a little guy with a backpack. Which would you
12 have been? I'm assuming -- I know you are not the
13 woman but --
14 **A. Well, I had a backpack. Well, maybe**
15 **they think I'm the big guy, because I'm older and he's**
16 **young.**
17 **Q.** How tall are you?
18 **A. Probably about 5-6, 5-7. That's a**
19 **little guy, to me.**
20 **Q.** How much do you weigh?
21 **A. At that time, I weighed 160.**
22 **Q.** Can you describe the height and weight
23 of this other guy that was with you, if you know?
24 **A. Not really. All I know is he is**
25 **light-skinned. He could have even been lighter than**

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1 **me. I don't know. Like sometimes African Americans**
2 **wear bigger clothes. So I really wasn't kind of**
3 **like -- I wasn't really even interested in his**
4 **appearance and what he had on.**
5 **My only concern was let me smoke some**
6 **weed, get some liquor, and get to the hotel before I**
7 **miss the last bus.**
8 **Q.** Was he taller than you?
9 **A. I think, we were about the same height.**
10 **I do remember that. I remember he had tattoos. He was**
11 **light-skinned.**
12 **Q.** Do you think he was your same weight,
13 also?
14 **A. I'm sure. But we both had backpacks,**
15 **because he was homeless, too.**
16 **Q.** Would you have had your backpack on your
17 back with both straps over your shoulders?
18 **A. Yeah, I did at first. I don't even know**
19 **what happened to my backpack, as a matter of fact.**
20 **That's when I reached in my backpack and grabbed her a**
21 **washcloth to wash up at the laundromat and soap, all**
22 **that stuff. Like I said, we were staying in hotels.**
23 **Can't just leave your stuff at hotels nowadays.**
24 **Q.** I want to go back to a couple of
25 details. In looking at the police report and your

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<p>1 statement, there was a discussion that Erika was six 2 months pregnant. And I hadn't seen anything that she 3 was having her period instead of that she was pregnant. 4 Does that refresh your recollection or -- 5 A. Well, that's another thing that I was so 6 startled about, because she told me that she was 7 pregnant. But then all of a sudden, she said, "I got 8 my period." So my emotions was mixed. I didn't know 9 what was going on. Like, did you lie? Did you have an 10 abortion? I don't know how the girl things work. I 11 don't know if you can have your period while you are 12 pregnant. 13 My whole concern was, your pants are 14 messed up. And we have to get on the bus with all 15 these people, and they're going to notice it. 16 Q. When you were outside with your 17 ex-girlfriend and this other individual, you said that 18 you were trying to -- that you were leaving and that's 19 when the owners of the laundromat came outside. 20 A. Correct. 21 Q. You described the wife and then a 22 husband and then a younger guy? 23 A. Yeah. But it was so much going on, 24 because one of the guys that came from the mechanic 25 shop, or whatever, had something in his hand. Because</p>	<p>1 there yelling, "Get off of him. He don't want to 2 fight." That's what they were saying about me. "Let 3 him go. Let him go. He don't even want to fight you 4 all. He's trying to explain stuff." I remember that 5 clearly. 6 Q. You were trying to explain? 7 A. I kept saying, "Dude, it is a 8 misunderstanding." They wouldn't stop. But it's -- I 9 just think it's because of whatever that lady said. 10 Because as we were walking out the door, she said 11 something, like, to the people in the back room in a 12 different language. Whatever she said really pissed 13 them off, because they came out the back room, like, 14 ready to fight. 15 And I was trying to give them the 16 benefit of the doubt, because I was just looking at it, 17 like, that's the dude's wife. Maybe that's their mom. 18 And, you know, everybody is protective over their loved 19 ones. You know what I mean? I don't know what the 20 words was. I wasn't trying to be aggressive, like I 21 normally would, because I just didn't expect all that 22 to happen like that. 23 It was puzzling to me. Everything was 24 puzzling. I was just thinking of a whole bunch of 25 stuff at one time. Like, damn, did she lie to me about</p>
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<p>1 Erika kept saying, "Look out. Look out. Don't hit 2 him. Don't hit him with that." I remember that. 3 While I was fighting with the dude, when 4 we fell to the ground, one of them tried to stomp me in 5 the face. I turned my head so he couldn't stomp me 6 directly in my face. And he stomped my earrings, and 7 it came out. My ear was bleeding. The police took a 8 picture of that. 9 It was just a lot going on. So I was -- 10 you know, while they were swinging, I don't know what 11 they were swinging, but it wasn't soft. 12 The whole time, the guy that grabbed me 13 by the throat, he's got me like this (indicating), and 14 I got him like this (indicating). There's other people 15 throwing blows. And she is saying, "Don't hit him." 16 Then while we're like this, the lady 17 comes and maces me. The lady that was into it with my 18 girlfriend in the beginning in the laundromat, she 19 comes and maces me. 20 So now I'm bleeding, and I'm maced. So 21 my vision is super blurry. I'm afraid for my life. I 22 don't know what's going on. 23 Q. When is it that the police arrive? 24 A. Seemed like it took them forever. There 25 was people out there yelling. There was people out</p>	<p>1 being pregnant? How she got her period? These people 2 on the bus going to see. She's going to be so 3 embarrassed. We're going to miss the last bus. Damn, 4 I knew I should have got on the bus earlier. I hope I 5 don't get hit by a pole. My mind is just racing like 6 crazy. 7 Q. So what was happening at the moment that 8 the police arrived? Can you describe what the scene 9 was like? 10 A. The police came. One had a gun on me. 11 So all I was doing was focused on him. He told me to 12 get on the ground. I got on the ground. Said sit down 13 on the ground. Then he didn't come over right away. 14 He just had me sit there. 15 So while I was sitting there -- while I 16 was sitting there, I was doing this the whole time 17 (indicating) because I couldn't really see because -- 18 Can you hear me? I'm sorry. 19 MR. HIVELEY: He's going to come over 20 and fix your mike. 21 THE WITNESS: All right. 22 (Interruption in the proceedings.) 23 THE WITNESS: All right. When the 24 police came, they just told everyone to get on the 25 ground. I couldn't really see what was going on,</p>

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Page 21	<p>1 because like I say, I had blood in my eye and I was</p> <p>2 maced. The more I was trying to focus on where Erika</p> <p>3 was, it seemed like the more my eyes started burning.</p> <p>4 And once the police arrived and they had</p> <p>5 weapons out, I wasn't trying to look around. I was</p> <p>6 trying to pay attention to the gun that was on me. I</p> <p>7 was trying to follow all procedures so I didn't get</p> <p>8 shot or some shit. So I sat on the curb.</p> <p>9 Next thing I know, one grabbed me and</p> <p>10 put me in the backseat. I was just saying, "Why am I</p> <p>11 the only one being arrested?" "And we were all</p> <p>12 fighting," is what I was saying. "Where is my</p> <p>13 girlfriend? Where is my girlfriend?" Can one of these</p> <p>14 guys --</p> <p>15 "Just calm down. We're going to bring</p> <p>16 her to the station, too. She'll be all right."</p> <p>17 So it was just -- it was just weird. It</p> <p>18 was a bad situation. I don't know what happened after</p> <p>19 the police came. I don't know what happened at all</p> <p>20 after the police came.</p> <p>21 All I know, I went to the police</p> <p>22 station. They booked me in. They took some pictures.</p> <p>23 They said, "We understand how things happen. Your</p> <p>24 girlfriend is at the front door. There's a squad out</p> <p>25 there waiting for you, and we're going to drive you to</p>	Page 23
Page 22	<p>1 A. I don't know.</p> <p>2 What does that mean?</p> <p>3 MR. RISSMAN: Oh, I just objected to his</p> <p>4 question, but it is just for the record. And then you</p> <p>5 can go ahead and answer.</p> <p>6 THE WITNESS: Yeah, I don't know what it</p> <p>7 was. I just know that it wasn't soft. I just figured</p> <p>8 it was a baseball bat, because the shit hurt when I got</p> <p>9 hit with it. I kept doing my leg like this</p> <p>10 (indicating) to try to dodge. I was worried about</p> <p>11 getting hit in my head with it. I didn't want to get</p> <p>12 hit with it. It was hard. I know it was a weapon.</p> <p>13 One thing I do remember is someone yelling</p> <p>14 drop something. I don't know what they were talking</p> <p>15 about. Somebody was yelling drop something. I was --</p> <p>16 at this point, I was, literally, blind from the mace.</p> <p>17 BY MR. HIVELEY:</p> <p>18 Q. From the moment that you were maced, how</p> <p>19 much time passed before the officers arrived, if you</p> <p>20 know?</p> <p>21 A. I don't have no -- I couldn't give you a</p> <p>22 factual answer, so I don't want to give an answer at</p> <p>23 all. I don't -- I don't know about the time. I just</p> <p>24 know I was maced. And shortly after -- I couldn't say</p> <p>25 if it was one minute or two minutes or five minutes.</p>	Page 24
Page 22	<p>1 the hotel."</p> <p>2 BY MR. HIVELEY:</p> <p>3 Q. Did you ever get struck with -- you said</p> <p>4 that one of the guys was holding something. Did you</p> <p>5 ever get hit with any kind of an object?</p> <p>6 A. Yeah. My leg, it was real swelled up.</p> <p>7 I went to see my doctor, Dr. Mitchell. He did some</p> <p>8 x-rays on it. I still got some pictures of it. It</p> <p>9 is -- it was huge. It was a lot of fluid on my leg.</p> <p>10 Q. Do you have any idea who hit you?</p> <p>11 A. No. Because, see, it was -- it looked</p> <p>12 like a younger guy, to tell you the truth. It looked</p> <p>13 like a younger guy that was working in the mechanic's</p> <p>14 shop, because my belief is they own the mechanic shop</p> <p>15 and the laundromat.</p> <p>16 Q. Did you ever see what the object was?</p> <p>17 You mentioned a pole. In your statement, you refer to</p> <p>18 a baseball bat. There's also been other witness</p> <p>19 testimony that there was a crowbar. Do you know what</p> <p>20 the object was?</p> <p>21 A. No.</p> <p>22 MR. RISSMAN: Object to form and the</p> <p>23 narrative.</p> <p>24 BY MR. HIVELEY:</p> <p>25 Q. You can go ahead and answer.</p>	Page 24
Page 24	<p>1 Q. Do you know what was happening, in terms</p> <p>2 of what was being said, if there was any fights</p> <p>3 happening when the police arrived? You said you</p> <p>4 couldn't see anything. Did you hear?</p> <p>5 A. All I heard was "drop it" and "get on</p> <p>6 the ground." And then they brought me to the squad</p> <p>7 car, which was in the back of the parking lot. It is,</p> <p>8 like, the laundromat was right here. There was a squad</p> <p>9 car right here. And there was another one behind it</p> <p>10 that was some distance. That's the one I went to.</p> <p>11 And the dude kept the door cracked open</p> <p>12 for me. The police officer, he kept the door cracked a</p> <p>13 little bit, cracked for me. He was trying to help me</p> <p>14 get the blood out of my eye. He wasn't being mean to</p> <p>15 me. You know, he was asking -- he, actually, was being</p> <p>16 really nice to me. And the police at the station was</p> <p>17 being nice to me, too.</p> <p>18 I was just -- I was just shook why I was</p> <p>19 being arrested. And I just didn't want to get into it</p> <p>20 with those people, because they're really nice. Like,</p> <p>21 their mechanic shop and everything, they help people</p> <p>22 and stuff like. I know for a fact those are good</p> <p>23 people.</p> <p>24 Q. I asked you earlier about whether you</p> <p>25 had seen an officer tase anyone. Did you -- did you</p>	Page 24

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<p>1 ever hear anyone talking about, at the moment, about</p> <p>2 tasing --</p> <p>3 A. No.</p> <p>4 Q. -- or that's him or anything like</p> <p>5 that?</p> <p>6 A. No. I didn't find out that until I</p> <p>7 talked to my mother. And it wasn't even the first time</p> <p>8 I talked to my mother. It was the second time. I</p> <p>9 think it was the day after she had told me she had seen</p> <p>10 something on the news about an incident in Brooklyn</p> <p>11 Center and asked me was that the incident. And that's</p> <p>12 how I even found out anything had happened to him,</p> <p>13 period.</p> <p>14 Q. Do you have any idea, out of the people</p> <p>15 that you were fighting with, who it was that died?</p> <p>16 Were you able to make that connection?</p> <p>17 A. I wasn't fighting with anyone. I was</p> <p>18 being attacked. And I don't know what happened after</p> <p>19 our altercation with the police. I just know everyone</p> <p>20 was alive when we was into it.</p> <p>21 Q. Did you see any paramedics or ambulance</p> <p>22 or anything like that at the scene?</p> <p>23 A. No. They got me away quick. I was gone</p> <p>24 quick. Dude ran that we was with. He ran. And me and</p> <p>25 Erika went to the Brooklyn Center Police Station. She</p>	<p>1 during this incident?</p> <p>2 A. I don't think she was hurt. I don't</p> <p>3 know.</p> <p>4 Q. Do you know if she was maced?</p> <p>5 A. She said that she had a little bit of</p> <p>6 mace on her, but I know that. When her and I returned</p> <p>7 to the hotel, she was, like, taking care of me.</p> <p>8 Q. Are you still in contact with Erika?</p> <p>9 A. No.</p> <p>10 Q. Do you have any idea how to get ahold of</p> <p>11 her?</p> <p>12 A. No. I don't even want to get in touch</p> <p>13 with her.</p> <p>14 Q. Okay. We were hoping to ask her the</p> <p>15 same questions we asked you, but we haven't been able</p> <p>16 to find her yet. Do you have an address or phone</p> <p>17 number or anything for her?</p> <p>18 A. The last place that I've known that she</p> <p>19 was staying was the Salvation Army.</p> <p>20 Q. Is that in Minneapolis?</p> <p>21 A. Yeah, downtown Minneapolis.</p> <p>22 MR. HIVELEY: All right. That is all</p> <p>23 the questions I have. Mr. Rissman is going to have</p> <p>24 some questions for you, as well.</p> <p>25 THE WITNESS: Okay.</p>
Page 26	Page 28
<p>1 wasn't arrested. She was out there waiting for me.</p> <p>2 They got us away from the scene quick. I don't know.</p> <p>3 Like, we were gone instantly. Like, normally, they sit</p> <p>4 around and take, like, statements or something. But</p> <p>5 they took us right away.</p> <p>6 Q. Did you ever figure out how many</p> <p>7 individuals were attacking you?</p> <p>8 A. No. It just happened so quick. I</p> <p>9 was -- my only concern was to watch the pole or the bat</p> <p>10 or whatever. I was just -- well, that wasn't my only</p> <p>11 concern, but that was the main concern for me. I</p> <p>12 didn't want none of us to get hit with the bat or the</p> <p>13 pole, especially in the head. Like, you die from stuff</p> <p>14 like that. You know what I mean?</p> <p>15 All I just kept hearing Erika say,</p> <p>16 "Leave him alone. Leave him alone. Don't hit him.</p> <p>17 Don't him with that." That is all I remember her</p> <p>18 saying.</p> <p>19 The whole time I'm talking to the guy,</p> <p>20 and he's upset because his lady is saying something to</p> <p>21 him in a different language. And that's what made me</p> <p>22 even more nervous, that it was a language barrier. And</p> <p>23 I didn't know what was going on. I didn't know what</p> <p>24 was being said, and it was really confusing to me.</p> <p>25 Q. Do you know if Erika was hurt at all</p>	<p>1</p> <p>2 EXAMINATION</p> <p>3 BY MR. RISSMAN:</p> <p>4 Q. As I said earlier, my name is Josh</p> <p>5 Rissman. I'm an attorney for Kevin Khottavongsa and</p> <p>6 the family of Sinth Khottavongsa. Just a couple of</p> <p>7 follow-up questions for you.</p> <p>8 A. All right.</p> <p>9 Q. You said -- it is kind of starting at</p> <p>10 when you were -- when Erika was in the laundromat.</p> <p>11 A. Correct.</p> <p>12 Q. Was she -- she was asked to leave the</p> <p>13 laundromat?</p> <p>14 A. I don't know the exact words, but I'm</p> <p>15 sure that she wasn't allowed to use the restroom,</p> <p>16 because she never used the restroom.</p> <p>17 Q. Was it your understanding, after talking</p> <p>18 to her, that she was told to leave?</p> <p>19 A. I believe so.</p> <p>20 Q. Okay. And did all three of you</p> <p>21 willingly leave the laundromat?</p> <p>22 A. Well, the other gentleman never went in</p> <p>23 the laundromat, and I only went by the door.</p> <p>24 Q. You went to the door?</p> <p>25 A. Yeah. And we were outside walking away</p>

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<p>1 when her family came out.</p> <p>2 Q. How many people came out?</p> <p>3 A. Well, the first thing I remember --</p> <p>4 Q. Let me rephrase my question. How many</p> <p>5 people came out right away at the first point?</p> <p>6 A. Well, what I know for sure is that it</p> <p>7 was her husband, I believe, because he came straight</p> <p>8 out and grabbed me by the neck, the lady that Erika was</p> <p>9 having words with, and another gentleman.</p> <p>10 Q. Do you know -- why do you think it was</p> <p>11 her husband? What makes you think that?</p> <p>12 A. Because they always be together.</p> <p>13 Q. You knew them?</p> <p>14 A. Well, a lot of us in the neighborhood,</p> <p>15 like -- like I said, they got a mechanic shop and the</p> <p>16 laundromat. And from what we've known of them, like,</p> <p>17 they're pretty nice people. Like, you know, I've seen</p> <p>18 them before. I even spoke to him. "Hey, how are you</p> <p>19 doing, sir?" It was cool. A couple people I know had</p> <p>20 some work done at his shop. So, you know, I didn't</p> <p>21 have any quarrels with them. I thought they were</p> <p>22 pretty decent people.</p> <p>23 I thought it was a miscommunication. I</p> <p>24 thought the lady said something that wasn't factual,</p> <p>25 and it stirred up a lot of stuff. I'm not sure.</p>	<p>1 hella strong, because I couldn't get away.</p> <p>2 Q. Okay.</p> <p>3 A. Which I tried to a couple times, just</p> <p>4 tried to get away without confrontation.</p> <p>5 Q. Okay. In the altercation, did you punch</p> <p>6 anybody?</p> <p>7 A. Well, in the altercation when I was on</p> <p>8 the ground, I'm sure I punched someone to get him off</p> <p>9 me. I wouldn't doubt it.</p> <p>10 Q. Just when you were on the ground?</p> <p>11 A. Yeah.</p> <p>12 Q. Did you punch him at any other time?</p> <p>13 A. No. Because I was trying to block.</p> <p>14 Q. Do you know who you punched?</p> <p>15 A. No. I don't even know if I punched.</p> <p>16 Like I said, it just happened so much. But I'm sure</p> <p>17 that something happened. I don't even think that I</p> <p>18 probably even punched.</p> <p>19 I know we were like this (indicating)</p> <p>20 the whole time. He had a death grip on my clothes,</p> <p>21 around my neck. I had him too. He was trying to slam</p> <p>22 me. I was trying to keep from getting slammed. I was</p> <p>23 trying to block the pole. I don't know anything about</p> <p>24 punching or any of that. All I know is I was trying to</p> <p>25 not get hit in the head by a pole from somebody that</p>
Page 30	Page 32
<p>1 Q. Because she was speaking a different</p> <p>2 language?</p> <p>3 A. Right.</p> <p>4 Q. So you knew the owner, and that's how</p> <p>5 you knew he was her husband?</p> <p>6 A. Well --</p> <p>7 Q. You knew him from before?</p> <p>8 A. It is just a guess they are married. It</p> <p>9 is not factual I knew it was her husband. I just</p> <p>10 figured that was her husband. Because, normally -- I</p> <p>11 know it is a husband and wife be up there. So when</p> <p>12 there's a confrontation, you know, normally someone</p> <p>13 would call their spouse. So that's where I got that</p> <p>14 perception from.</p> <p>15 Q. Okay.</p> <p>16 A. I have no facts that was her husband.</p> <p>17 Q. Do you remember what he looked like?</p> <p>18 A. No, just a -- no.</p> <p>19 Q. Was he older than you?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay.</p> <p>22 A. I believe he was older than me, and I</p> <p>23 believe, he was around my height, too.</p> <p>24 Q. Skinny guy?</p> <p>25 A. I thought he was kind of stocky. He was</p>	<p>1 was trying to hit me in the head with a pole.</p> <p>2 Q. When you say "pole," do you know, is</p> <p>3 that a bat or --</p> <p>4 A. A hard object.</p> <p>5 Q. But you don't know -- you couldn't tell</p> <p>6 me today whether that was a bat or crowbar or something</p> <p>7 else?</p> <p>8 A. No. Because I was being attacked.</p> <p>9 Q. Okay. That's fair. I know this</p> <p>10 happened very fast. At some point -- at some point,</p> <p>11 did you kind of give up and stop, and did the</p> <p>12 altercation slow down?</p> <p>13 A. Yeah. I gave up from the beginning</p> <p>14 because I wasn't trying to be resistant at all. I was</p> <p>15 trying to explain that it was a miscommunication. And</p> <p>16 they weren't trying to listen. They were trying to be</p> <p>17 aggressive. If I was trying to be aggressive, then it</p> <p>18 would have been a whole different outcome. Like, I</p> <p>19 know how to fight. Like, I wasn't trying to fight. I</p> <p>20 was trying to make sure me and my girl get to the</p> <p>21 hotel.</p> <p>22 Q. Was there a point at which -- do you</p> <p>23 recall whether you --</p> <p>24 Actually, put your hands down so they</p> <p>25 can see your face.</p>

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<p>1 A. Oh, sorry.</p> <p>2 Q. It is okay. Was there a point at which</p> <p>3 you -- do you recall sitting down at a windowsill, at</p> <p>4 any point? Do you remember that?</p> <p>5 A. No. It is possible. I don't know. I</p> <p>6 know I was trying to get the mace out of my eyes. Is</p> <p>7 that -- I don't know. I thought it was a curb.</p> <p>8 Q. Okay. So you remember kind of sitting</p> <p>9 down trying to get the mace out of your eyes?</p> <p>10 A. When the police officer came?</p> <p>11 Q. Yeah.</p> <p>12 A. Yeah.</p> <p>13 Q. Was that before the police came or</p> <p>14 after?</p> <p>15 A. I have no idea. I know I sat down when</p> <p>16 the police came, because I was instructed to get on the</p> <p>17 ground.</p> <p>18 Q. Okay. Did you do that right away, or</p> <p>19 did it take a couple of commands?</p> <p>20 A. I sat down right away. I'm not going to</p> <p>21 argue with somebody with a gun. That's absurd. The</p> <p>22 police tell you to do something, you got to do it.</p> <p>23 Like, honestly, I feel bad for everybody</p> <p>24 that's in this altercation, period, the family members,</p> <p>25 the police, my girlfriend, for everybody, you know. I</p>	<p>1 Q. They dismissed it?</p> <p>2 A. Yeah.</p> <p>3 Q. Initially, you were charged?</p> <p>4 A. Yeah. But I never went to court or</p> <p>5 anything. They just dismissed it, because it was --</p> <p>6 Christ. I said, watch the cameras. There's cameras</p> <p>7 there. That's how I -- but --</p> <p>8 Q. I think you earlier mentioned being in</p> <p>9 the police car and being upset that nobody else was in</p> <p>10 handcuffs; is that right?</p> <p>11 A. Correct.</p> <p>12 Q. And are you aware that no one else had</p> <p>13 been charged with any type of violent crime?</p> <p>14 A. I'm sure.</p> <p>15 Q. So do you think that -- do you think</p> <p>16 other people should have been charged with a violent</p> <p>17 crime?</p> <p>18 A. Well, my thing is, if people break the</p> <p>19 law -- if they break the law, then they at least -- if</p> <p>20 one person -- if you and I have a physical altercation,</p> <p>21 I shouldn't be the only one that's apprehended.</p> <p>22 Q. And I mean, do you think that the police</p> <p>23 didn't believe you? Is that -- do you have an opinion</p> <p>24 on that?</p> <p>25 A. I don't know. Possibly. That's</p>
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<p>1 just --</p> <p>2 Q. Was there any point -- did you ever lose</p> <p>3 consciousness?</p> <p>4 A. Have I lost -- did I lose consciousness?</p> <p>5 Q. Yeah, during the altercation.</p> <p>6 A. No.</p> <p>7 Q. You didn't get knocked out ever?</p> <p>8 A. No.</p> <p>9 Q. Did you ever -- did you ever threaten to</p> <p>10 kill anybody?</p> <p>11 A. No.</p> <p>12 Q. Did you ever hear your girlfriend say</p> <p>13 that?</p> <p>14 A. No.</p> <p>15 Q. Did you ever hear the other gentleman</p> <p>16 you were with say that?</p> <p>17 A. No, no one said that.</p> <p>18 Q. And it is true -- oh, do you recall that</p> <p>19 you were charged with fifth degree assault in the</p> <p>20 case?</p> <p>21 A. Yeah.</p> <p>22 Q. How did that -- how did that resolve?</p> <p>23 Do you remember?</p> <p>24 A. They dismissed it because it was</p> <p>25 ridiculous.</p>	<p>1 probably what happened, at the time, that they didn't</p> <p>2 believe me, because other people weren't arrested. But</p> <p>3 I can't say what the police believed and what they</p> <p>4 didn't believe. All I know is I had evidence of being</p> <p>5 battered. So to me, that was enough to apprehend other</p> <p>6 individuals.</p> <p>7 Q. Okay.</p> <p>8 A. Clearly, I was stating, "She maced me</p> <p>9 while he was holding me." I stated that a few times.</p> <p>10 So, you know, I was trying to get vision</p> <p>11 so I could find out where Erika was, is what I was</p> <p>12 concerned with.</p> <p>13 Q. Okay.</p> <p>14 A. My whole mission was trying to get to</p> <p>15 the hotel. Like, all that was disturbing my groove.</p> <p>16 Q. Speaking of your groove, did you -- you</p> <p>17 mentioned going to the liquor store.</p> <p>18 A. Correct.</p> <p>19 Q. Had you already gone to the liquor store</p> <p>20 before you came to the laundromat?</p> <p>21 A. Yeah. And I didn't get a chance to</p> <p>22 drink it. That was a bummer.</p> <p>23 Q. What did you buy?</p> <p>24 A. I have no idea.</p> <p>25 Q. You didn't drink any of it?</p>

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1 **A. No, we didn't get a chance to.**
 2 Q. Okay. I just have a couple more
 3 questions. These questions are just kind of to set the
 4 record. I'm not trying to make you feel bad or
 5 anything like that.
 6 Mr. Hiveley asked you about why you are
 7 here today in Stillwater Prison. I just have a couple
 8 more questions along those lines. Were you convicted
 9 in 2013 of felony domestic assault?
 10 **A. I plead the Fifth, because it is**
 11 **irrelevant to this case.**
 12 Q. Okay.
 13 **A. Any questions that has something to do**
 14 **with me and my criminal record is irrelevant, because**
 15 **this is your client versus the Brooklyn Center Police.**
 16 **So my personal record has nothing to do with that. So**
 17 **all questions that you got to ask on them lines, I**
 18 **plead the Fifth. Please don't ask them.**
 19 Q. Okay. Not to disrespect you, but I'm
 20 going to go ahead and ask the next question. You can
 21 say whatever you want.
 22 **A. Okay.**
 23 Q. In 2010 were you convicted of felony
 24 domestic abuse violating an order of protection?
 25 **A. I plead the Fifth.**

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1 Q. In 2005, were you convicted of felony
 2 assault, fifth degree?
 3 **A. I plead the Fifth on that.**
 4 Q. One more question. Is -- the assault
 5 that you are in prison for today, did that involve
 6 Erika Phillips?
 7 **A. Correct.**
 8 **MR. RISSMAN:** I don't have any further
 9 questions. Thanks for your time.
 10 **MR. HIVELEY:** I don't have any other
 11 questions, either. You have a right to review the
 12 transcript of this deposition once the court reporter
 13 has prepared it, which can take a few weeks. What that
 14 means is, if you wanted to review it, we would make
 15 arrangements to send the transcript to you here, along
 16 with a sheet that allows you to make corrections if you
 17 thought there was something wrong with the way what you
 18 said was transcribed. We can do that.
 19 But you can also waive that right to
 20 review the transcript, and then we wouldn't send you a
 21 copy or anything like that.
 22 So since you don't have a lawyer here,
 23 you have to decide whether you want to review the
 24 transcript or waive that right to review the
 25 transcript.

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1 **THE WITNESS:** Question, does reviewing
 2 cause me any harm?
 3 **MR. HIVELEY:** It does not. In fact,
 4 when we send you a copy of the transcript and the
 5 sheet, which is called an errata sheet, if you decide
 6 you don't want to send that sheet back -- I believe we
 7 give you 30 days to do that. If you don't, it doesn't
 8 hurt you in any way.
 9 The only thing that could, potentially,
 10 happen, if you said something today that was
 11 transcribed incorrectly, that incorrect phrase would be
 12 attributed to you. But I'm pretty confident that
 13 everything was transcribed properly. Plus, we do have
 14 a video camera that recorded everything. So --
 15 But it is your right to review it. We
 16 can make arrangements to send it to you here, and then
 17 you can review it or not review it or whatever you
 18 choose.
 19 **THE WITNESS:** That would be awesome if
 20 you can do that.
 21 **MR. HIVELEY:** We will send it to your
 22 caseworker here so they can make arrangements for you
 23 to review. If you do have changes, I believe there's a
 24 spot for a notary on the change form. If you do want
 25 to make changes and want to send that back, you can

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1 speak to your caseworker and get that squared away and
 2 return that to me.
 3 **THE WITNESS:** Okay. Are you with the
 4 Brooklyn Center Police?
 5 **MR. HIVELEY:** I'm a private lawyer
 6 that's representing them through their insurance
 7 coverage.
 8 **THE WITNESS:** Okay.
 9 **MR. HIVELEY:** So I'm not -- I'm not
 10 working for the police officers, but I'm their
 11 attorney.
 12 **THE WITNESS:** If you get a chance, you
 13 let them know that I'm sorry that that happened.
 14 And, for you, please let the family know
 15 that I hate that happened.
 16 **MR. RISSMAN:** I'll do that.
 17 **THE WITNESS:** I'm sure, I don't want
 18 nothing like that to happen to nobody.
 19 **MR. HIVELEY:** Thank you very much for
 20 the time.
 21 **THE VIDEOGRAPHER:** Close the deposition.
 22 Going off the record.
 23 (Whereupon, the deposition of RANDALL JACKSON
 24 was concluded at 10:10 a.m.)
 25

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1 I, RANDALL JACKSON, do hereby certify that I have read
 2 the foregoing deposition and found the same to be true
 3 and correct except as follows, (noting the page and
 4 line number of the change or addition as desired and
 5 the reason why):

6	Page	Line	Correction
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24 RANDALL JACKSON DATE

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1 STATE OF MINNESOTA)
 2 COUNTY OF ANOKA) ss.
 3 CERTIFICATE

4 BE IT KNOWN that I, Julie A. Brooks, took the
 5 foregoing deposition of RANDALL JACKSON;

6 That the witness, before testifying, was by me
 7 first duly sworn to testify the whole truth and nothing
 8 but the truth relative to said cause;

9 That the foregoing deposition is a true record of
 10 the testimony given by said witness;

11 That I am not related to any of the parties
 12 hereto, nor an employee of them, nor interested in the
 13 outcome of the action;

14 That the cost of the original has been charged to
 15 the party who noticed the deposition, and that all
 16 parties who ordered copies have been charged at the
 17 same rate for such copies;

18 WITNESS MY HAND AND SEAL this 21st day of March,
 19 2017.

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JULIE BROOKS, Notary Public, RPR

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